

M E M O R A N D U M

DATE: May 3, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0166-A- Appeal Period Expired

The appeal period for the above-referenced case expired on April 27, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(140 Laverne Avenue)

13th Election District

1st Council District

Landsdowne Volunteer Fire Association

Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0166-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Landsdowne Volunteer Fire Association, legal owner of the subject property ("Petitioner"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§ 1B01.2.C.1.a & 400.3 to permit an existing structure with a rear setback of 2.5 ft. and a side setback of 4 ft. in lieu of the required 30 ft. and 20 ft., respectively, and to permit a height of 17 ft. in lieu of the maximum 15 ft. height. A site plan was marked as Petitioner's Exhibit 1.

Jon Schneckenburger and professional surveyor Stephen Hall appeared in support of the Petition. Herbert Burgunder, III, Esquire represented the Petitioner. The Petition was advertised and posted as required by the B.C.Z.R. There were no protestants or interested citizens in attendance. No substantive Zoning Advisory Committee (ZAC) comments were received.

The subject property is approximately 10,800 square feet and is zoned DR 5.5. Petitioner explained that approximately 90% of its calls for service seek EMS response, as opposed to fire suppression. As a result, Petitioner needed to acquire a second ambulance, and purchased a prefabricated garage which it installed on the subject property for storage of the ambulance and other emergency response equipment. The Petitioner was issued by the County a correction notice

ORDER RECEIVED FOR FILING

Date 3-28-14

By Den

for erecting the building without a permit, and County reviewers also informed Petitioner that zoning relief was required.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The property is significantly larger than the other lots in this residential area, and as Petitioner notes there is a berm at the front of the site which essentially dictated where the garage could be located. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be required to remove the building. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 28th day of **March, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§ 1B01.2.C.1.a & 400.3 to permit an existing structure with a rear setback of 2.5 ft. and a side setback of 4 ft. in lieu of the required 30 ft. and 20 ft., respectively, and to permit a height of 17 ft. in lieu of the maximum 15 ft. height, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 3-28-16

By den

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 3-28-16

By Den



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 140 Laverne Avenue

which is presently zoned DRS.5

Deed References: 411/544 (1913) 2000/218 (1951), and 5242/986 (1972)

10 Digit Tax Account # 13-1312000100 and 13-1312590470

Property Owner(s) Printed Name(s) Lansdowne Volunteer Fire Association No. 1, Inc.

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a **Variance** from Section(s)

BCZR: 1B01.2.C.1.a; 400.3 → To permit an existing structure with a rear setback of 2.5 feet and a side setback of 4 feet in lieu of the required 30 feet and 20 feet, respectively, and to permit a height of 17 feet in lieu of the maximum 15 feet height.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Herbert Burgunder III

Name- Type or Print

Signature

1501 Sulgrave Avenue, Suite 207 Baltimore MD

Mailing Address

City

State

21209 , 410-664-6500 , hb3@hb3law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Lansdowne Volunteer Fire Association No. 1, Inc.

Name #1 - Type or Print

Signature #1

Signature #2

Officer

P.O. Box 7374

Baltimore

MD

Mailing Address

City

State

21227

Zip Code

Telephone #

Email Address

Representative to be contacted:

Herbert Burgunder III

Name - Type or Print

Signature

1501 Sulgrave Avenue, Suite 207

Baltimore

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Mailing Address

City

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21209 , 410-664-6500 , hb3@hb3law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0166-A

Filing Date 1/15/16

Do Not Schedule Dates: _____

Reviewer SS



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Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Herbert Burgunder III

Name- Type or Print

Signature

1501 Sulgrave Avenue, Suite 207 Baltimore MD

Mailing Address City State

21209 410-664-6500 hb3@hb3law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Lansdowne Volunteer Fire Association No. 1, Inc.

Name #1 - Type or Print

Signature #1

P.O. Box 7374

Mailing Address

21227

Zip Code

Signature #2

Baltimore

City

MD

State

Email Address

Representative to be contacted:

Herbert Burgunder III

Name - Type or Print

Signature

1501 Sulgrave Avenue, Suite 207

Baltimore

MD

Mailing Address City State

21209 410-664-6500 hb3@hb3law.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0166-A Filing Date 1/15/16

Do Not Schedule Dates: Reviewer JS



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Mailing Address

City

State

Zip Code

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Herbert Burgunder III

Name- Type or Print

Signature

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Signature #2

Office

P.O. Box 7374

Baltimore

MD

Mailing Address

City

State

21227

Zip Code

Telephone #

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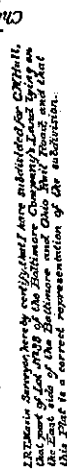
CASE NUMBER 2016-0166-A

Filing Date 1/15/16

Do Not Schedule Dates: _____

Reviewer JS

451/1



Box 60 Port of Spain,
Trinidad.
Dear Sir,
22 Nov. 1964

J O S H U A

1/144

to	be	a	20'	Road					
66	ST	86	106	ST	125	144	162	179	
67		87	107		126	145	163	180	
68		88	108		127	146	164	181	
69		89	109		128	147	165	182	
70		90	110		129	148	166	183	
71		91	111		130	149	167	184	
72		92	112		131	150	168	185	
73		93	113		132	151	169	186	
74		94	114		133	152	170	187	
75		95	115		134	153	171	188	
76		96	116		135	154	172	189	
77		97	117		136	155	173	190	
78		98	118		137	156	174	191	
79		99	119		138	157	175		
80		100	120		139	158	176		
81		101	121		140	159	177		
82		102	122		141	160	178		
83		103	123		142	161			
84		104	124		143				
85		105							
100'	HOWARD ST	100'	100'	STAFFORD ST	100'	100'	POULTON ST	ST	

ELIZABETH

28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59
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VE

60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

EXHIBIT A

Tax ID 13-1312000100

BEGINNING for the first at a pipe planted on the north side of Lavern Avenue at a point distant 55 feet, measured easterly along the north side of Lavern Avenue, from the beginning point of that lot of ground conveyed by Anna Yankulov, widow, to Courtney E. Beaver and Alberta M. Beaver, his wife, by a deed dated September 11, 1946, and recorded among the Land Records of Baltimore County in Liber RJS No. 1506, folio 13, etc.; thence, binding easterly, along the north side of said Avenue, 12 feet to a pipe; thence, leaving the Avenue, at right angles, and binding on the division line between Lots Nos. 134 and 135 laid out on a plat of Joshua, and recorded among the Plat Records of said County in Plat Book #1, folio 144, etc., northerly 100 feet to the south side of an alley 14 feet wide; thence westerly, along the south side of said alley, 12 feet to a pipe; thence southerly for a line of division now made, parallel with the aforesaid division line between Lots Nos. 134 and 135, a distance of 100 feet to the place of beginning. Containing 1200 square feet of land.

BEING the easternmost twelve feet of lot No. 134 laid out on said Plat of Joshua.

BEGINNING for the second being known and designated as Lots 135 and 136, in Block 3, as laid out on the Plat of Joshua, which Plat is recorded among the Plat Records of Baltimore County in Plat Book No. 1, folio 144. Being the same 2 lots of ground described in a Confirmatory Deed dated June 20, 1913, and recorded among the Land Records of Baltimore County in Liber WPC No. 411, folio 544 from Charles W. Hull and wife to Directors of Lansdowne Volunteer Fire Association of Lansdowne. See also Deed dated December 3, 1913, and recorded among the Land Records of Baltimore County in Liber WPC No. 423, folio 334, from Burton W. Reeser, et al. to The Lansdowne Volunteer Fire Association No. 1 of Lansdowne.

Tax ID 13-1312590470

Being known and designated as Lots Nos. 137, 138, 139, and 140, Block Number 3 of Joshua, Charles W. Hull's Subdivision of 48 $\frac{3}{4}$ acres as shown on the Plat of Joshua, recorded among the Land Records of Baltimore County in Plat Book JWS No. 1, folio 144. The improvements thereon being known as 144 Laverne Avenue.

J O S H U A

1/144

to	be	a	20'	Road					
66	ST	86	106	125	144	162	179		
67		87	107	126	145	163	180		
68		88	108	127	146	164	181		
69		89	109	128	147	165	182		
70		90	110	129	148	166	183		
71		91	111	130	149	167	184		
72		92	112	131	150	168	185		
73		93	113	132	151	169	186		
74		94	114	133	152	170	187		
75		95	115	134	153	171	188		
76		96	116	135	154	172	189		
77		97	117	136	155	173	190		
78		98	118	137	156	174	191		
79		99	119	138	157	175	192		
80		100	120	139	158	176	193		
81		101	121	140	159	177	194		
82		102	122	141	160	178			
83		103	123	142	161				
84		104	124	143					
85		105							

HOWARD ST

STAFFORD ST

POULTON ST

ST

ELIZABETH

28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

VE

60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 134141

Date: 1/15/16

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				0

Total: 0

Rec From: LANSDOWNE VOL. FIRE ASSOC. #1, INC

For: 2016 0166-A

FEE IS
WAIVED

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4005964

Sold To:

Lansdowne Volunteer Fire Assoc. No. 1, Inc. - CU00523001
PO Box 7374
Halethorpe, MD 21227-0374

Bill To:

Lansdowne Volunteer Fire Assoc. No. 1, Inc. - CU00523001
PO Box 7374
Halethorpe, MD 21227-0374

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 03, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2016-0166-A
140 Laverne Avenue
N/s of Laverne Avenue, 238 ft. west of intersection with Washington Avenue
13th Election District - 1st Councilmanic District
Legal Owner(s) Lansdowne Volunteer Fire Association No. 1, Inc.

Variance: to permit an existing structure with a rear setback of 2.5 ft. and a side setback of 4 ft. in lieu of the required 30 ft. and 20 ft., respectively, and to permit a height of 17 ft. in lieu of the maximum 15 ft height.

Hearing: Friday, March 25, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/008 March 3 4005964

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/28/2016

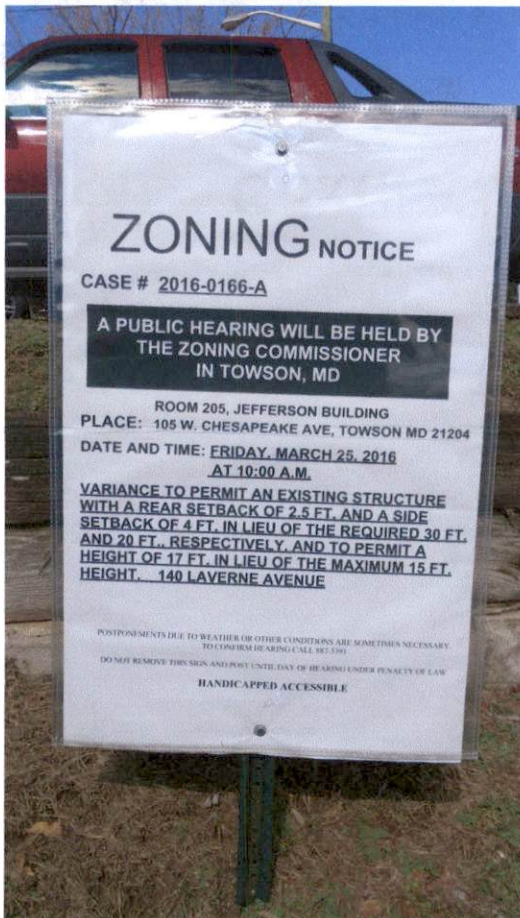
Case Number: 2016-0166-A

Petitioner / Developer: HERBERT BURGUNDER III, ESQ. ~
LANDSDOWNE VOLUNTEER FIRE ASSOCIATION

Date of Hearing (Closing): MARCH 25, 2016

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
140 LAVERNE AVENUE

The sign(s) were posted on: **FEBRUARY 27, 2016**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 1, 2016

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140 Laverne Avenue

N/s of Laverne Avenue, 238 ft. west of intersection with Washington Avenue

13th Election District – 1st Councilmanic District

Legal Owners: Lansdowne Volunteer Fire Association No. 1, Inc.

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Hearing: Friday, March 25, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a circular stamp.

Arnold Jablon
Director

AJ:kl

C: Herbert Burgunder, III, 1501 Sulgrave Avenue, Ste. 207, Baltimore 21209
Lansdowne Volunteer Fire Association, P.O. Box 7374, Baltimore 21227

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 5, 2016**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE. AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 3, 2016 Issue - Jeffersonian

Please forward billing to:

Lansdowne Volunteer Fire Association No. 1, Inc. 410-242-1093
P.O. Box 7374
Baltimore, MD 21227

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140 Laverne Avenue

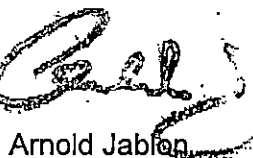
N/s of Laverne Avenue, 238 ft. west of intersection with Washington Avenue

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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
140 Laverne Avenue; N/S Laverne Avenue,	*	OF ADMINISTRATIVE
238' W of intersection with Washington Ave	*	HEARINGS FOR
13 th Election & 1 st Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Landsdowne Volunteer Fire	*	2016-166-A
Association No I, Inc		
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JAN 29 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of January, 2016, a copy of the foregoing Entry of Appearance was mailed to Herbert Burgunder III, Esquire, 1501 Sulgrave Avenue, Suite 207, Baltimore, Maryland 21209, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2016-0166-A

Petitioner: LANSDOWNE VOLUNTEER FIRE ASSOCIATION NO. 1, INC.

Address or Location: 140 LAVERNE AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: LANSDOWNE VOLUNTEER FIRE ASSOCIATION NO. 1, INC

Address: P.O. BOX 7374
BALTIMORE, MD 21227

Telephone Number: 410-242-1093



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

March 17, 2016

Lansdowne Volunteer Fire Association No. I Inc.
P. O. Box 7374
Baltimore MD 21227

RE: Case Number 2016-0166 A, Address: 140 Laverne Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 15, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Herbert Burgunder III, Esquire, 1501 Sulgrave Avenue Suite 207, Baltimore MD 21209

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 1/27/16

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2016-0166-A
Variance
Landsdowne Volunteer Fire Association No. 1, Inc.
140 Laverne Avenue

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2016-0166-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Richard A. Zeller
David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: February 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-166

FEB 16 2016

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

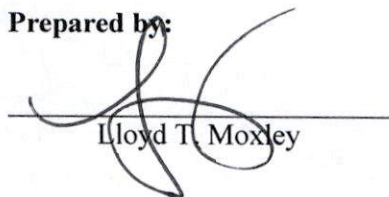
Property Address: 140 Laverne Avenue
Petitioner: Lansdowne Volunteer Fire Association No. 1, Inc.
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variances to permit an existing structure with a rear setback of 2.5 feet and a side setback of 4 feet in lieu of the required 30 feet and 20 feet, respectively, and to permit a height of 17 feet in lieu of the maximum 15 feet height. A site visit was conducted on February 2, 2016.

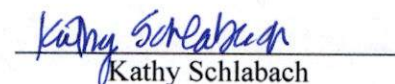
The Department has no comment on granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Herbert Burgunder III
Office of the Administrative Hearings
People's Counsel for Baltimore County

3-25-16
10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

FEB 04 2016

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 4, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0166-A
Address 140 Laverne Avenue
(Landsdowne VFD No. 1 Property)

Zoning Advisory Committee Meeting of February 1, 2016.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 02-04-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: February 4, 2016

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 1, 2016
Item No. 2016-0165, 0166, 0167, 0168, 0169 and 0171

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC02012016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: February 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-166

INFORMATION:

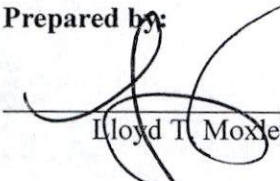
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Petitioner: Lansdowne Volunteer Fire Association No. 1, Inc.
Zoning: DR 5.5
Requested Action: Variance

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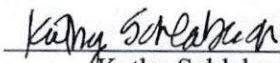
The Department has no comment on granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Herbert Burgunder III
Office of the Administrative Hearings
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 2016-766-A
DATE _____

[illegible]

CASE NO. 2016-01160-A

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>2/14</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>2/14</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
	FIRE DEPARTMENT	
<u>2/11</u>	PLANNING (if not received, date e-mail sent _____)	<u>no obj</u>
<u>1/27/16</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. CB 1500635)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 3-3-16
SIGN POSTING Date: 2-27-16 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐
PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1500635

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1500635	Robert Peters		10/02/2015	Monitor	12/17/2015	

Complaint Description: Building 3 bay building- no permits.

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
140 LAVERN AVE HALETHORPE, MD 21227 Tax Id: 1312000100	LANSDOWNE VOL FIRE CO LAVERNE AV BALTIMORE, MD 21227-0000	

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Robert Peters	10/01/2015	Initial Inspection	Correction Notice Issued	Correction Notice Issued	
Robert Peters	10/09/2015	Re-Inspection	Research	Research	
Robert Peters	10/15/2015	Re-Inspection	Citation Issued	Citation Issued	
Robert Peters	11/04/2015	Pre Hearing Inspection	Correction in Progress	Correction in Progress	
Robert Peters	11/13/2015	Re-Inspection	Monitor	Monitor	
Robert Peters		Re-Inspection	Scheduled		

Lien Information - No Lien

Comments Detail

10/14/2015: Checked computer permit not obtained. R/C 10/15/16 ***BP/lk

10/5/2015: Drove by and found a 3 bay carport under construction. 10/2/15 Hand delivered a Correction Notice today and informed the gentleman a permit needs to be obtained. R/C 10/9/15 ***BP/lk

11/16/2015: Stopped at zoning to see if hearing has been scheduled yet. Nothing scheduled as of today. R/C 12/18/15 ***BP

10/15/2015: Serving & mailing citation for hearing on November 5, 2015 at 9 a.m. R/C 11/4/15 ***BP/lk

11/3/2015: Received letter from firehouse attorney today stating he was in to see Lenny at Zoning about obtaining variance for carport. So at this time I would like to cancel hearing scheduled on 11/5/15. R/C 11/13 BP/lk

Resident Agent - Herbert Burgunder, III 410-664-6500

Real Property Data Search (w3)

Guide to searching the database

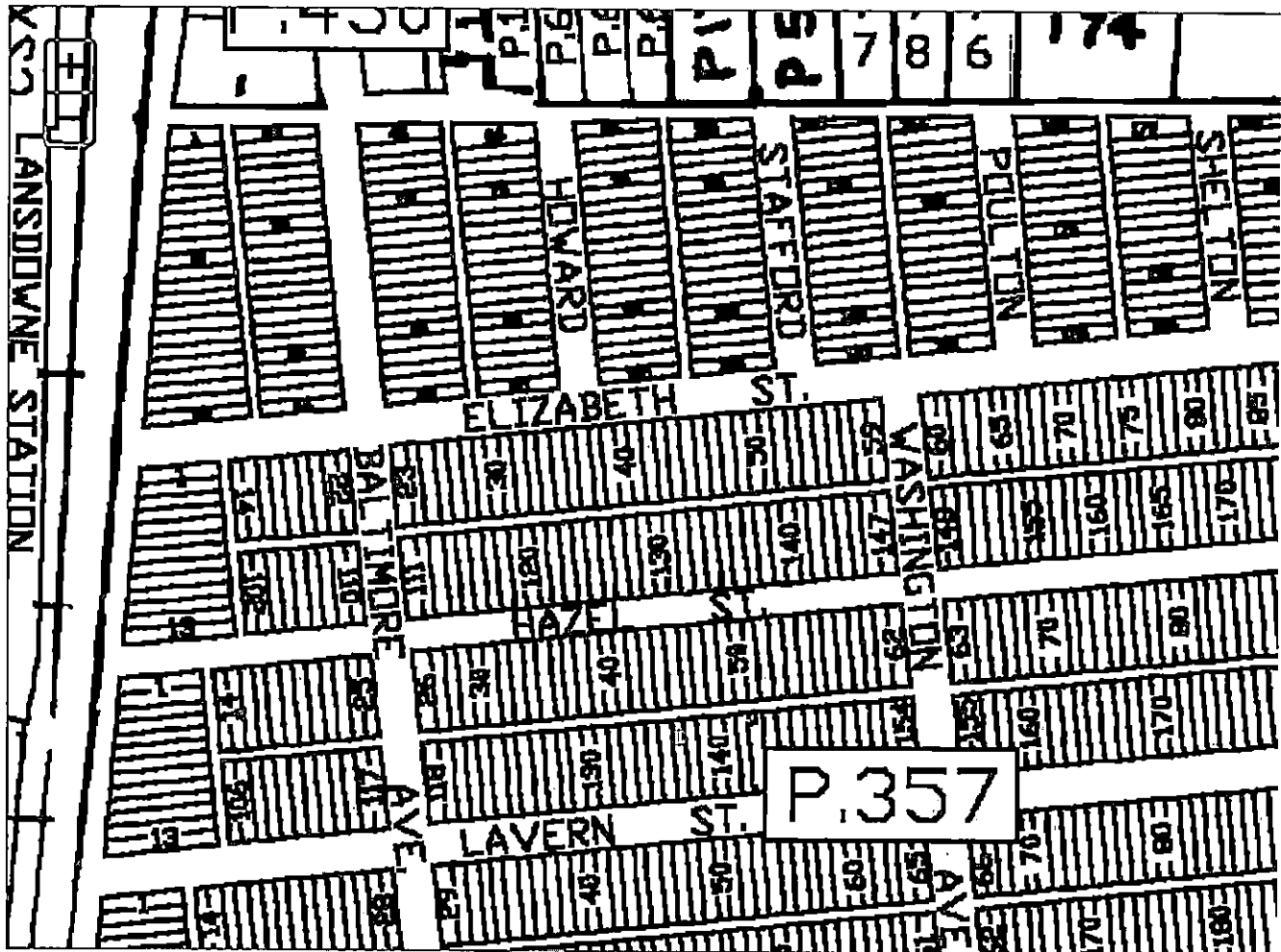
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 13 Account Number - 1312590470			
Owner Information					
Owner Name:	LANSDOWNE VOLUNTEER FIRE ASSOCIATION NO 1 INC		Use: Principal Residence:	EXEMPT COMMERCIAL NO	
Mailing Address:	P O BX 7374 BALTIMORE MD 21227		Deed Reference:	/05242/ 00986	
Location & Structure Information					
Premises Address:	144 LAVERNE AVE 0-0000		Legal Description:	LT 137-140 308 E BALTIMORE AVE JOSHUA	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0109	0002	0357		0000	3 137 2016 0001/0144
Special Tax Areas:			Town: NONE		
			Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
				6,400 SF	01
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value		Value As of 01/01/2016		Phase-in Assessments As of 07/01/2015 As of 07/01/2016
Land:	76,800		76,800		
Improvements	6,800		6,800		
Total:	83,600		83,600		83,600
Preferential Land:	0				0
Transfer Information					
Seller: LOHR ROLAND L		Date: 01/12/1972		Price: \$10,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05242/ 00986		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	940	83,600.00		83,600.00	
State:	940	83,600.00		83,600.00	
Municipal:	940	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 13 Account Number: 1312590470



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



BALTIMORE AVE

HOWARD AVE

STAFFORD ST

POULTON ST

ELIZABETH AVE

Pt. Bk./Folio # 001144

54228 - 20030609

PDM # 138041

ELIZABETH AVE

ELIZABETH AVE

BALTIMORE AVE

WASHINGTON AVE

HAZEL AVE

NOT LOCATED

HAZEL AVE

HAZEL AVE

BALTIMORE AVE

WASHINGTON AVE

DR 5.5

109A1

LAVERN AVE

54294 - 19563895

SW 5-C

10 ED

159

LAVERN AVE

LAVERN AVE

BALTIMORE AVE

WASHINGTON AVE

CLYDE AVE

RO

WASHINGTON AVE

DR 16

57654 - 20080141
57654 - 19940228

BALTIMORE AVE

PDM # 138004

54295 - 20010095

8016 - 19605164

54290 - 19990087

54289 - 19810061

1ST AVE

1ST AVE

NOT LOCATED





NOT LOCATED

NOT LOCATED

HAZEL AVE

NOT LOCATED

DR 5.5

NOT LOCATED

Pt. Bk./Folio # 001144

PDM # 138041

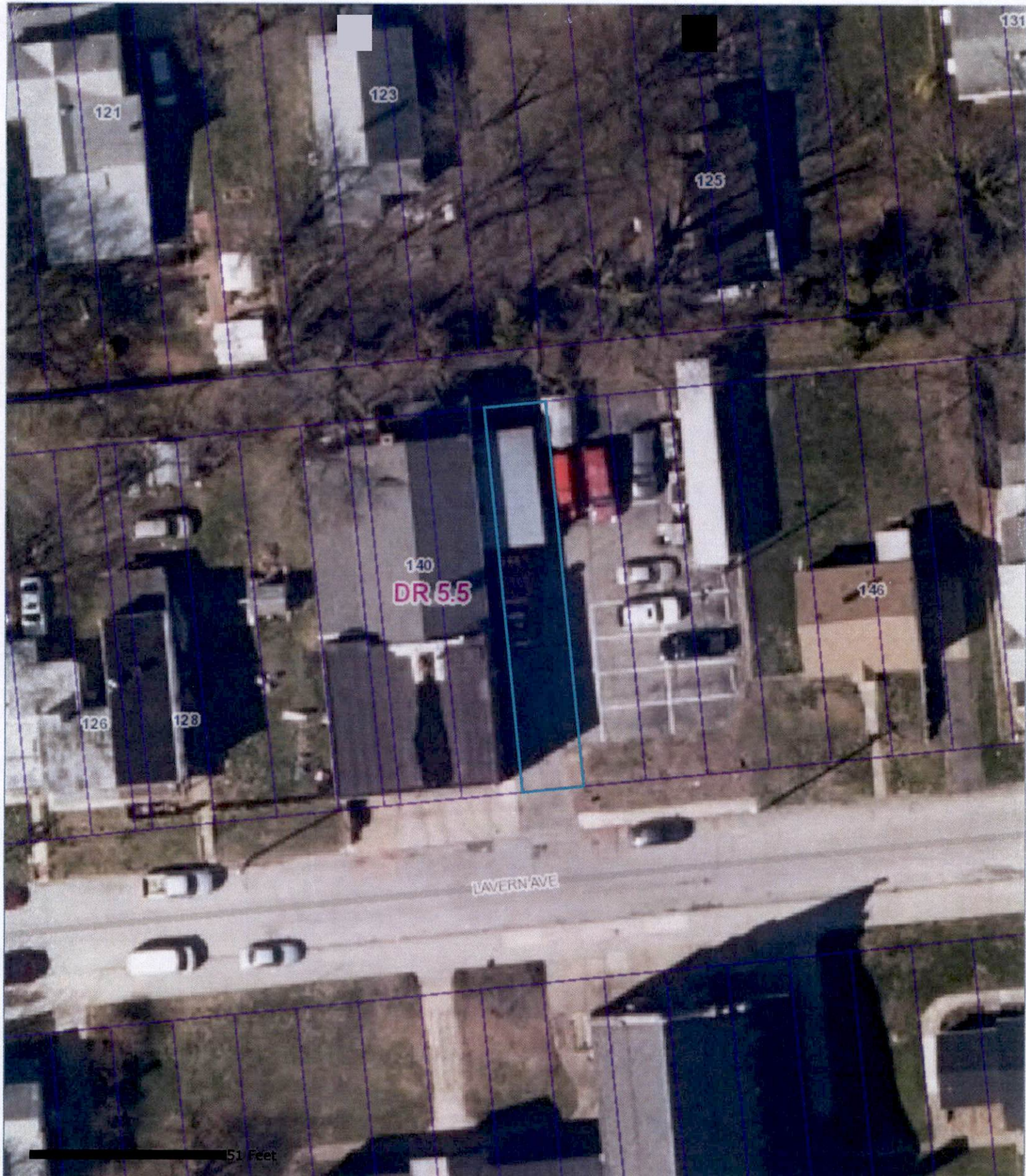
LAVERN AVE

NOT LOCATED

NOT LOCATED



10.16.2015 16:34



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

2



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 10/16/2015

Google Maps 119 Lavern Ave



Image capture: Jun 2011 © 2015 Google

1

GENERAL NOTES

- OWNER INFORMATION:
LANDSDOWNE VOLUNTEER FIRE COMPANY
140 LAVERNE AVENUE
LANDSDOWNE, MARYLAND 21227
- SITE AREA:
GROSS: 10,800 SQ.FT. OR 0.2479 AC+/-
NET: 4692 SQ. FT. OR 0.108 AC+/-
- BUILDING AREA:
EXISTING: 6108 SQ.FT. OR 0.1398 AC+/-
- UTILITIES:
PUBLIC WATER
PUBLIC SEWER
- SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN
ON F.I.R.M. # 240010 PANEL 510 OF 580 DATED MAY 5, 2014
- PARKING CALCULATIONS:
FIREHOUSE: 1 PARKING SPACE REQUIRED PER EMPLOYEE ON THE LARGEST SHIFT
REQUIRED: 2
PROVIDED: 9
- SETBACKS:

	REQUIRED	PROVIDED
FRONT	40'	18'-4"
SIDE	20'	4'-0" (GARAGE)
REAR	30'	2'-5" (GARAGE)
CORNER	35'	N/A
- BUILDING HEIGHT
MAX PERMITTED 40'
PROVIDED: FIREHOUSE 29.0' CARPORT 16.5'
- DEED REFERENCE:
5647/588
5242/586
- TAX ACCOUNT # 1312000100 & 1312590470
- COUNCILMANIC DISTRICT: 1st
- REGIONAL PLANNING DISTRICT: N/A
- CENSUS TRACT: 430200
- WATERSHED: PATAPSCO RIVER

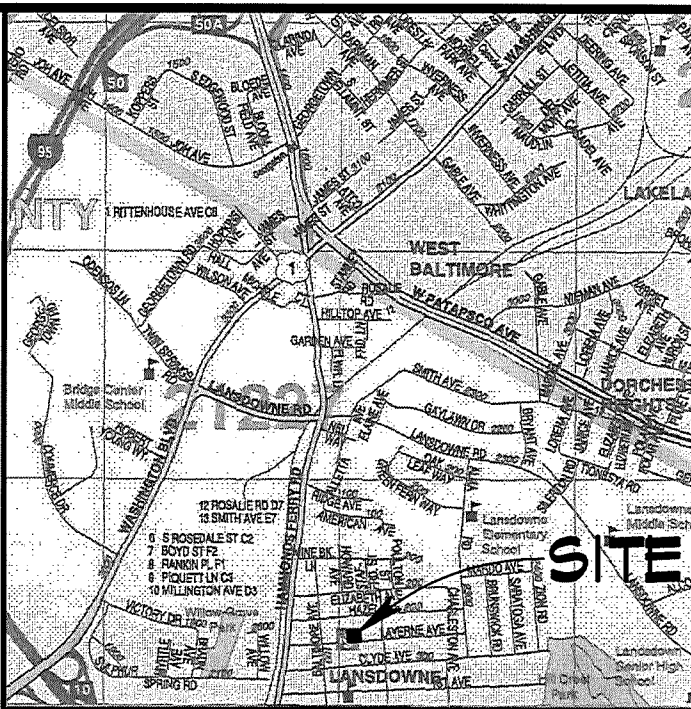
GENERAL NOTES (CONT.)

- ZONING: DR 5.5
- TAX MAP 109 PARCEL 357 P/O LOTS 134 AND LOTS 135-140
- NO KNOWN PREVIOUS ZONING CASES ON FILE.
- NO KNOWN PERMITS ON FILE.
- FLOOR AREA CALCULATIONS: N/A IN DR 5.5 ZONE.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE CONTAINS A HISTORIC BUILDING.
- NO KNOWN PREVIOUS DRC MEETINGS.

ZONING PROPERTY DESCRIPTION FOR 140 LAVERNE AVENUE

BEGINNING AT A POINT ON THE NORTH SIDE OF LAVERNE AVENUE WHICH IS 50.00 FEET WIDE AT A DISTANCE OF 253.07' SOUTHWEST FROM THE CENTERLINE OF WASHINGTON AVENUE WHICH IS 50.00' WIDE.

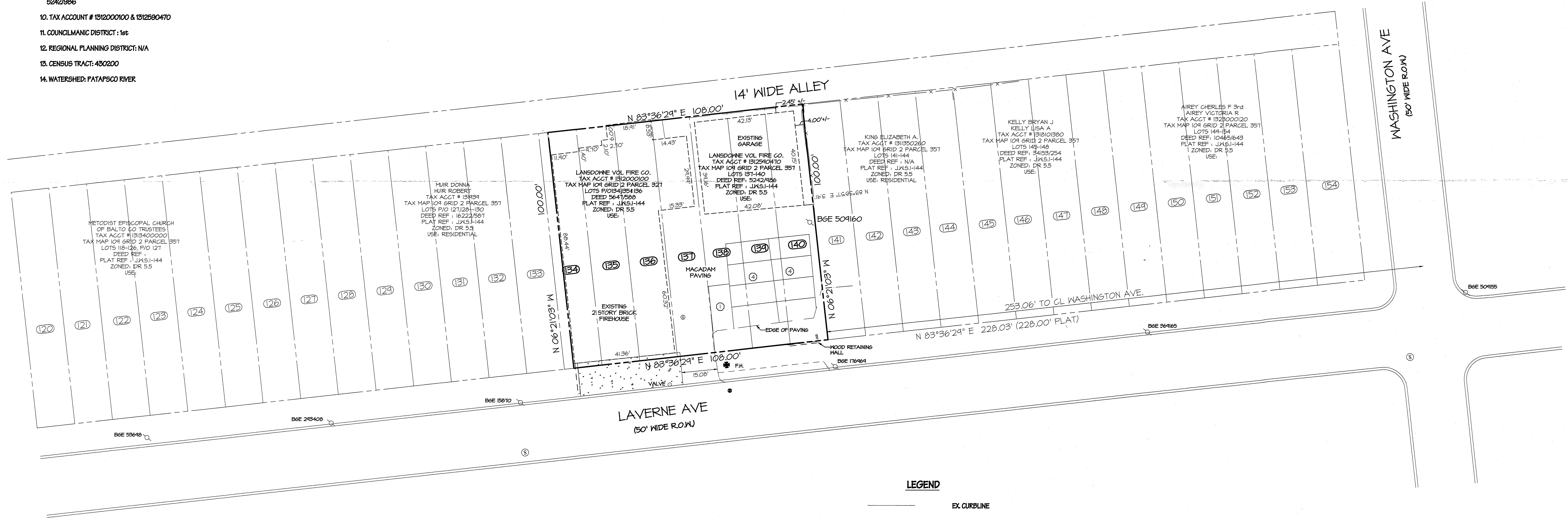
BEING THE EASTERLY 1/2' OF LOT 334 AND LOTS 135 TO 140 BLOCK 3 IN THE SUBDIVISION OF JOSHUA AS RECORDED IN BALTIMORE COUNTY PLAT BOOK JWS 1 FOLD 144 CONTAINING 10,800 SQ.FT. OR 0.2479 ACRES +/- LOCATED IN THE 13th ELECTION DISTRICT AND 1st COUNCIL DISTRICT.



LOCATION MAP

SCALE: 1" = 2000'

Map Copyright © ADG The Map People
(800)824-6271
Permitted Use Number 21006257



LEGEND

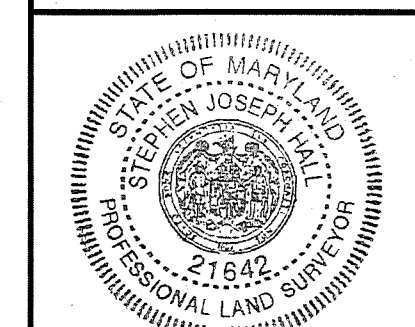
- EX CURBLINE
- PROPERTY LINE
- ADJOINER PROPERTY LINE
- EX BLDG LINE
- EX PAVING
- EX METAL FENCE
- EX WOOD FENCE
- CONCRETE PAVING
- POWER POLE
- FIRE HYDRANT
- WATER VALVE
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE

PETITIONER'S
EXHIBIT NO.



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS & LANDSCAPE ARCHITECTS

1220 C. EAST JOPPA ROAD SUITE 505
TOWSON, MARYLAND 21286
PHONE: 410-821-1690
FAX: 410-821-1748



PLAN TO ACCOMPANY ZONING HEARING
LANDSDOWNE VOLUNTEER
FIRE COMPANY

140 LAVERNE AVENUE
LANDSDOWNE, MARYLAND 21227

THIRTEENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE: 1"=20' DATE: 01/14/16 DRAWN BY: SJH REVIEWED BY: SJH JOB NO: 19080

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 - SETBACKS:
- | | REQUIRED | PROVIDED |
|--------|----------|-------------------|
| FRONT | 40' | 12' +/- |
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MAX PERMITTED 40'
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5242/986
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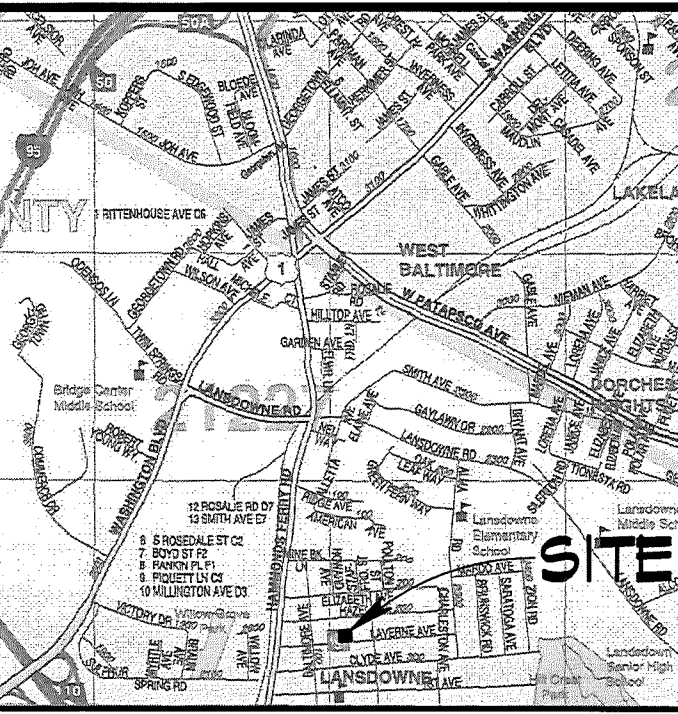
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LOCATION MAP

SCALE: 1" = 2000'

Map Copyright © ADC The Map People
(800)824-6271
Permitted Use Number 21006237

